

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Richard A. Capell,)	
)	
Plaintiff,)	
)	C/A No.: 3:13-cv-586-TLW
vs.)	
)	
C. Lee Carter, III; South Carolina)	
Department of Public Safety; York County)	
Sheriff's Department; TFC D.W. Jenkins;)	
And York County Deputy Aldridge,)	
)	
Defendants.)	
_____)	

ORDER

Plaintiff Richard A. Capell (“Plaintiff”), proceeding *pro se* and *in forma pauperis*, filed this suit pursuant to Title II of the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101, et seq. (“ADA”), and 42 U.S.C. §§ 1983, 1985, and 1986. (Doc. #24). The Defendants, C. Lee Carter, III, South Carolina Department of Public Safety, York County Sheriff’s Department, TFC D.W. Jenkins, and York County Deputy Aldridge (“Defendants”), filed a motion to dismiss on July 22, 2013. (Doc. #34). The matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed on September 25, 2013, by Magistrate Judge Shiva V. Hodges, (Doc. #46), to whom this case was previously assigned. In the Report, the Magistrate Judge recommends granting the Defendants’ motion to dismiss. (Doc. #46). Plaintiff filed objections to the Report on October 15, 2013. (Doc. #49). The Court has reviewed the objections. In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections.... The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of

those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, de novo, the Report and the objections. After careful review of the Report and objections thereto, the Court hereby **ACCEPTS** the Report. (Doc. #46). The Plaintiff's objections are **OVERRULED**. (Doc. #49). The Plaintiff's case is hereby **DISMISSED**.

IT IS SO ORDERED.

s/Terry L. Wooten
Chief United States District Judge

January 16, 2014
Columbia, South Carolina